

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:10CR3039
vs.)	
)	PRELIMINARY ORDER
AARON REGAN,)	OF FORFEITURE
)	
Defendant.)	

NOW ON THIS 10th day of February, 2011, this matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture. The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has entered into a plea agreement whereby he has agreed to plead guilty to Count II and the Forfeiture Allegation of the Indictment filed herein. Count II charged the Defendant with possessing one or more matters which contained visual depictions which were mailed and had been shipped or transported using any means or facility of interstate or foreign commerce and in and affecting interstate and foreign commerce, and which was produced using materials which had been mailed, shipped, or transported in interstate and foreign commerce, by any means, including by computer, in violation of Title 18, United States Code, § 2252(a)(4)(B). The Forfeiture Allegation sought the forfeiture, pursuant to 18 U.S.C., § 2253, of:

- a. One Toshiba Satellite Notebook Computer, Serial No. 89079639Q;
- b. One Toshiba internal hard drive, Model # HDD2H21, Serial No. 79GYT154T.

as defined in 18 U.S.C. § 2256, on the basis they were used or were intended to be used to facilitate said violation.

2. By virtue of said guilty plea, the Defendant forfeits his interest in the above-described properties, and the United States should be entitled to possession of said properties, pursuant to 18 U.S.C., § 2253.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon the Forfeiture Allegation of the Indictment and the Defendant's plea of guilty, the United States is hereby authorized to seize:

a. One Toshiba Satellite Notebook Computer, Serial No. 89079639Q;

b. One Toshiba internal hard drive, Model # HDD2H21, Serial No. 79GYT154T.

as defined in 18 U.S.C. § 2256.

C. The Defendant's interest in said properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 18 U.S.C., § 2253.

D. The aforementioned forfeited properties are to be held by the United States in its secure custody and control.

E. Pursuant to 18 U.S.C. § 2253, the United States forthwith shall publish for at least thirty consecutive days on an official Government internet site (www.forfeiture.gov) notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject forfeited properties must file a Petition with

the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 18 U.S.C. § 2253, in which all interests will be addressed.

ORDERED this 10th day of February, 2011.

BY THE COURT:

Richard G. Kopf
United States District Judge